

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-14 were pending prior to the Office Action. Claims 1-14 have been amended and new claims 15-17 has been added through this Reply. Therefore, claims 1-17 remains pending. Claim 1 is independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

CLAIM OBJECTION

The claims 1-14 is objected to for minor informalities. *See Office Action, items 4 and 5.* The claims have been amended to address this objection without substantively changing claim scope. Applicant respectfully requests that the objection to the specification be withdrawn in view of the corrections both to claim structure and multiple dependency

SCOPE OF CLAIMS NOT ALTERED

Claim 1 has been amended merely to address informal issues and to enhance clarity. The present claims have a scope substantially unaffected by this response. Applicant respectfully submits that the amendments made to the claims do not add any new matter to the application, are not narrowing, and are not made for a reason relating to patentability. They are presented to present the inventive features recited in the original claims using form more conventional to U.S. practice.

35 U.S.C. § 103 REJECTION – FOX ET AL. IN VIEW OF VILSMEIER

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fox et al. (USPN 2003/0050527 A1) (hereinafter “Fox”) in view of Vilsmeier (USPN 7,194,295 B2) (hereinafter “Vilsmeier”). Applicant respectfully traverses this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See*

M.P.E.P. 2142; M.P.E.P. 706.02(j). Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, claim 1 recites "A method for modeling different internal structures of a head to focus magnetic stimulation and/or visualize the results of magnetic stimulation, MEG or EEG, the method comprising: a) determining the location of at least one internal structure within a first head in a three-dimensional space, b) *determining the external dimensions of a second head, and c) scaling the location data of said internal structures of said first head in three-dimensional space to correlate with said external dimensions of said second head to define the locations of the at least one internal structure in said second head; whereby the location data of the internal structures of said second head become modeled without the need for anatomical images of the second head.*"

In contrast, Fox teaches a magnetic stimulation treatment planning and image guidance apparatus to carryout the treatment (paragraph [0025]). Fox specifically teaches that functional MRI or PET is used to map out an internal structure of a patient's head (paragraphs [0025]-[0028]). Fox fails to teach or suggest *"determining the external dimensions of a second head, and scaling the location data of said internal structures of said first head in three-dimensional space to correlate with said external dimensions of said second head, to define the locations of the at least one internal structure in said second head; whereby the location data of the internal structures of said second head become modeled without the need for anatomical images of said second head"* as recited in claim 1.

Vilsmeier teaches a method of linking a generic model with patient characteristic data to obtain body structure data to assist in pre-operative treatment planning. More specifically, Vilsmeier fuses an actual patient image with generic model by surface matching of key landmarks, either natural or artificial. Vilsmeier's image fusion with the generic model allows a surgeon to introduce treatment devices to a desired location in reference to the landmarks.

However, neither Fox nor Vilsmeier alone, or in combination teach or suggest every single feature in claim 1. More specifically, claim 1 features *"determining the external dimensions of a second head, and scaling the location data of said internal structures of said first head in three-dimensional space to correlate with said external dimensions of said second*

head, to define the locations of the at least one internal structure in said second head; whereby the location data of the internal structures of said second head become modeled without the need for anatomical images of said second head," as recited in claim 1.

In contrast to Fox, claim 1 does not require the patient's head to be immobilized. By correlating and the external dimension of the second head with the location data of region of interest in the internal structure of the first head, the first head can be scaled in a three-dimensional space with respect to the second head without a need for additional image acquisition of the second head. In addition, Vilsmeier merely uses a generic model to fuse the actual patient image with the model. Therefore, neither Fox nor Vilsmeier alone, or in combination teach or suggest every single feature in claim 1

Therefore, for at least these reasons, claim 1 is distinguishable from the combination of Fox and Vilsmeier. Claims 2 and 3 depend from claim 1. Therefore, for at least the reasons stated with respect to claim 1, claims 2 and 3 are also distinguishable over the combination of Fox and Vilsmeier.

Applicant respectfully requests that the rejection of claims 1-3, based on Fox and Vilsmeier, be withdrawn.

NEW CLAIMS

Claims 15-17 have been added through this reply. Claims 15-17 are distinguishable over the cited references, individually or in any combination. Claims 15-17 depend from independent claim 1. Therefore, claims 15-17 are also distinguishable over the cited references for at least the reasons stated with respect to claim 1 discussed above.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter Reg. No. 29,680

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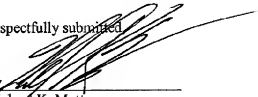
Docket No.: 0365-0625PUS1

at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted

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